

Message Text

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42

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-02 SS-15 NSC-05 PM-03

/048 W

----- 078402

R 162040Z MAY 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 9284

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

LIMITED OFFICIAL USE BRASILIA 3898

E.O.11652: N/A

TAGS: EAIR, BR

SUBJECT: CIVAIR: PANAM SCHEDULES

REF: STATE 105183

1. SUMMARY: GOB OFFICIALS HAVE PROMISED FORMAL RESPONSE TO EMBASSY'S NOTE WITHIN 10 TO 14 DAYS. OFFICIALS BELIEVE THAT RESPONSE WILL BE NEGATIVE, DOUBT THAT GOB WILL BE ABLE TO GIVE DEFINITIVE DATE FOR CLOSING OF CONGONHAS TO INTERNATIONAL TRAFFIC. IF RESPONSE, AS SEEMS LIKELY, IS UNSATISFACTORY, USG MAY WISH TO CONSIDER CONSULTATIONS UNDER BILATERAL AGREEMENT AS STEP TOWARD CONSIDERING DISAPPROVAL OF VARIG SAO PAULO CONGONHAS FLIGHTS. END SUMMARY.

2. ON MAY 15 ECON COUNSELOR CALLED ON HELCIO TAVARES PIRES AND ITALO MASTROGIOVANNI, CHIEF AND DEPUTY CHIEF, FONOFF TRANSPORTATION DIVISION, TO DISCUSS STATUS PANAM GAUGE PROBLEM. COUNSELOR RECALLED THAT AT THEIR LAST MEETING ON APRIL 1 PIRES HAD PROMISED REPLY TO EMBASSY'S NOTE WITHIN 2 TO 3 WEEKS. IN THE MEANTIME, PANAM FLIGHTS 443/201 HAD BEEN DENIED, WITHOUT ANY LIMITED OFFICIAL USE

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REPLY OR ACKNOWLEDGEMENT OF US NOTE. COUNSELOR STRESSED

THAT USG WAS GREATLY CONCERNED OVER GOB ACTION SINCE IN US VIEW BRAZIL IS IN VIOLATION OF BILATERAL AIR AGREEMENT AND PANAM IS PLACED AT CONSIDERABLE DISADVANTAGE IN RELATION TO VARIG BY THE PRESENT ARRANGEMENTS. COUNSELOR REQUESTED EARLY FORMAL RESPONSE TO US NOTE, EITHER IN FORM OF APPROVAL OF PANAM CHANGE OF GAUGE OR OF A DEFINITIVE AND AUTHORITATIVE INDICATION THAT CONGNHAS WOULD IN FACT BE CLOSED TO INTERNATIONAL TRAFFIC AT A VERY EARLY DATE. IF RESPONSE WERE NEGATIVE, REPLY SHOULD ALSO ADDRESS POSSIBLE REMEDIES GOB COULD OFFER IN INTERIM TO CORRECT PRESENT SITUATION UNTIL CONGNHAS IS CLOSED.

3. COUNSELOR NOTED THAT PROBLEM WAS UNDER CONTINUING REVIEW IN WASHINGTON AND THAT, IF GOB REPLY SHOULD BE NEGATIVE, US AUTHORITATIVE WOULD WANT TO CONSIDER WHAT FURTHER STEPS TO TAKE IN LIGHT OF GOB'S RESPONSE.

4. PIRES AGREED THAT GOB REPLY WAS OVER-DUE. GRANTING CHANGE OF GAUGE, EVEN ON AN INTERIM BASIS, WOULD PROBABLY NOT BE POSSIBLE. CONGNHAS WOULD WITHOUT ANY DOUBT BE CLOSED BECAUSE PRESENT SITUATION WAS "IMPOSSIBLE" BUT, IN RESPONSE TO COUNSELOR'S QUESTION PIRES WAS UNABLE TO SAY HOW SOON THIS WOULD IN FACT OCCUR. PIRES SAID IN RECENT BILATERAL NEGOTIATIONS WITH "VERY FRIENDLY COUNTRY," GOB HAD SHOWN GREAT FLEXIBILITY ON ALL POINTS EXCEPT CONGNHAS, EVEN THOUGH BRAZIL IS ENJOYING A CONSIDERABLE ADVANTAGE IN FREQUENCIES WITH THAT COUNTRY. HE OFFERED NO REBUTTAL TO ARGUMENT THAT GOB WAS IN VIOLATION OF BILATERAL AGREEMENT BUT ASKED WHY PANAM WOULD WANT TO FLY INTO CONGNHAS FOR WHAT WOULD CLEARLY BE A VERY LIMITED PERIOD OF TIME.

5. PIRES NOTED THAT ONE POSSIBLE REMEDY WOULD BE TO FORCE VARIG TO "NATIONALIZE" ITS PASSENGERS IN RIO (VICE CONGNHAS) AND FOR CRUZEIRO DO SUL TO DO SO IN PORTO ALEGRE ALTHOUGH MAKING CLEAR THAT HE WAS EXPRESSING A PERSONAL VIEW. MASTROGIOVANNI WOULD BE GOING TO RIO NEXT WEEK TO "BRING PRESSURE TO BEAR" ON THE APPROPRIATE CIVIL AIR AUTHORITIES FOR A DEFINITE ANSWER ON BOTH CLOSING CONGNHAS AND ON POSSIBLE ALTERNATIVE ARRANGEMENTS LIMITED OFFICIAL USE

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TO CORRECT THE PRESENT SITUATION. PIRES PROMISED FORMAL REPLY WITHIN 2 WEEKS.

6. DURING THE EXCHANGE COUNSELOR ALSO ADVANCED THE POINTS IN PARAS 1A) - B) OF REFTEL. PIRES DID NOT THINK THERE WAS ANY INTEREST IN A CHANGE OF GAUGE FOR VARIG WITHIN THE U.S.

7. AT EMBASSY'S REQUEST CONGEN RIO WILL APPROACH APPROPRIATE BRAZILIAN CIVIL AIR AUTHORITIES TO REVIEW WITH THEM DIRECTLY EMBASSY'S PRESENTATION AND UNDERLINE US CONCERN. IN RECENT CONVERSATIONS WITH CONGEN OFFICERS AND ECON COUNSELOR, SENIOR DAC OFFICIALS HAVE RESPONDED TO QUESTIONS ABOUT CLOSURE OF CONGONHAS AIRPORT TO INTERNATIONAL TRAFFIC IN SAME MANNER AS REPORTED IN RIO'S 1249: CONGONHAS WILL BE CLOSE TO SUCH TRAFFIC VERY SOON BUT THEY CANNOT GIVE A SPECIFIC DATE. IN A SEPARATE CONVERSATION WITH EMBASSY OFFICER, PRESIDENT OF VASP AIRLINE SPECULATED THAT THE DELAY PROBABLY WAS CAUSE PRIMARILY BY STRONG RESISTANCE ON PART OF VARIG.

8. COMMENT: PROSPECTS CLEARLY ARE THAT GOB'S FORTH-COMING RESPONSE WILL NOT BE SATISFACTORY FROM US VIEWPOINT, SEEKING TO JUSTIFY DENIAL OF CHANGE OF GUAGE ON GROUNDS OF CONGONHAS' PROSPECTIVE CLOSURE BUT WITHOUT OFFERING FIRM DATE. EMBASSY THUS BELIEVES THAT STEPS ENVISAGED IN REFTEL PARA 2 MAY ULTIMATELY BECOME NECESSARY. WE DO NOT, HOWEVER, BELIEVE THAT US SHOULD USE THREAT OF SUCH A MOVE AS A WAY TO TRY TO FORCE A MORE POSITIVE RESPONSE. IN OUR VIEW, IF GOB REPLY UNSATISFACTORY, USG SHOULD PROCEED TO EXERCISE ITS RIGHT TO ASK FOR PROMPT BILATERAL CONSULTATIONS, WHICH WOULD OFFER OPPORTUNITY FOR FULL EXCHANGE ON ALL ASPECTS OF THE PROBLEM AND SET THE STAGE, IF NECESSARY, FOR UNILATERAL US MOVE ENVISAGED IN REFTEL PARA 2.

9. EMBASSY WISHES ALL COMMUNICATIONS ON AVIATION MATTERS, WHICH ARE ISSUES OF NATIONAL IMPORTANCE WITH BROAD RAMIFICATIONS FOR US-BRAZILIAN RELATIONS, BE HENCEFORTH TRANSMITTED ACTION EMBASSY BRASILIA, INFO LIMITED OFFICIAL USE

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CONGEN RIO. EMBASSY WILL THEN COORDINATE WITH CONGEN EXECUTION OF DEPARTMENT'S INSTRUCTIONS.
CRIMMINS

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